

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER
SC-3

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
10/581,774

INTERNATIONAL APPLICATION NO.
PCT/IB2004/004350

INTERNATIONAL FILING DATE
10 DECEMBER 2004 (10.12.2004)

PRIORITY DATE CLAIMED
11 DECEMBER 2003 (11.12.2003)

TITLE OF INVENTION
SMOKING ARTICLE

APPLICANT(S) FOR DO/EO/US

DA SILVA RODRIGUES; Antonio Augusto; MIRANDA; Eduardo Jose Faria

EV827060279US

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/581,774	INTERNATIONAL APPLICATION NO. PCT/IB2004/04350	ATTORNEY'S DOCKET NUMBER SC-3
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20. Other items or information: **EXTENSION OF TIME FORM (REVISED); CREDIT CARD PAYMENT FORM (PTO-2038) FOR REMAINDER OF EXTENSION OF TIME; RETURN POSTCARD**

The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21.	<input type="checkbox"/>	Basic national fee (37 CFR 1.492(a)).....	\$300	\$	
22.	<input type="checkbox"/>	Examination fee (37 CFR 1.492(c))		\$	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$	
All other situations.....				\$200	
23.	<input type="checkbox"/>	Search fee (37 CFR 1.492(b))		\$	
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....				\$	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....				\$100	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....				\$400	
All other situations.....				\$500	
TOTAL OF 21, 22 and 23 =					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 50	\$	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded:	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is not recommended and by doing so your credit card information may be displayed via PAIR. To protect your information, it is recommended paying fees online by using the electronic payment method.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CHARLES I. SHERMAN
MIDDLETON REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202 USA



SIGNATURE

JOHN F. SALAZAR
NAME

39,353

REGISTRATION NUMBER

RULE 1.10 CERTIFICATE OF EXPRESS MAILING

I hereby certify that the following documents:

Transmittal Form for DO/EO/US

Extension of Time (REVISED)

Credit Card Payment form for remainder of balance of 2 month extension of time fee

Return Postcard

are being deposited with the U.S. Postal Service with sufficient postage paid as Express
Mail "Post Office to Addressee" in an envelope addressed to:

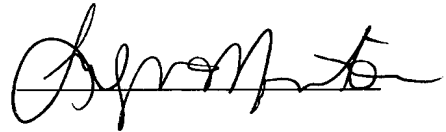
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dated: 3/15/07

Printed name of person signing certificate:

Lynn N. Minton

Signature:



THE UNITED STATES PATENT AND TRADEMARK OFFICE
under 35 USC 371 as DO/EO/US

IN RE APPLICATION OF:)
Rodrigues et al.)
Serial No. 10/581,774 (PCT/IB04/04350))
Title: SMOKING ARTICLE)
Filed: To be determined)
International Filing Date: December 10, 2004)
Priority Date: December 11, 2003)

COMMISSIONER FOR PATENTS
Mail Stop PCT, ATTN: DO/EO/US
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC §371
Dear Sirs:

Responsive to the Notification of Missing Requirements under 35 USC §371 in the United States Designated/Elected Office (DO/EO/US), having a mailing date of November 17, 2006, it has come to the attention of the Applicant's Attorney that the proper extension of time payment was not made. Therefore, please accept this payment for the remainder of the two-month extension of time.

Enclosed are the following documents:

1. Transmittal Form;
2. Extension of Time form
3. Credit Card Payment Form; and,
7. Return Postcard.

Respectfully submitted,


John F. Salazar, Reg. No. 53,923
MIDDLETON REUTLINGER
2500 Brown & Williamson Tower
Louisville, KY 40202
(502) 625-2756 ph
jsalazar@middreut.com

Date: March 14, 2007